

## **REMARKS**

Upon entry of the foregoing Amendment, claims 1, 3-5, 10, 12, 13, 26, 28-37, 39-40, and 43 are pending in the application, claims 2, 6-9, 11, 14-25, 27, and 41-42 having been previously cancelled without prejudice or disclaimer. Claims 1, 3, 5, 10, 12, 26, 28, 29, 32-37, and 39 have been amended. Claim 38 has been cancelled without prejudice or disclaimer. Claim 43 is newly added.

By the foregoing Amendment, Applicants have amended and/or cancelled various claims solely for purposes of expediting prosecution of this Application. Applicants expressly reserve the right to prosecute the subject matter of any claim pending prior to the foregoing Amendment, or any other subject matter supported by the Specification, in one or more continuation and/or divisional applications.

### ***Entry of Amendment After Final***

Applicants thank the Examiner for entering the Amendment after-final as indicated in the Advisory Action.

### ***Non-statutory Double Patenting Rejection***

Claims 1, 3-5, 10, 12, 13, 26 and 28-39 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-4, 8-11, 17-23 and 29-31 of copending Application No. 10/538,162.

Although Applicants disagree with the rejections set forth by the Examiner, a terminal disclaimer will be filed, *solely* in an effort to expedite prosecution, once the remaining claim rejections have been withdrawn.

### ***Rejections Under 35 U.S.C. §§ 102 and 103***

As an initial matter, in the Advisory Action, the Examiner states that Applicant "has not amended the claims 1, 3-5, 10, 12, 13, 26, and 28-31 submitted on 12/23/2010." Applicants note for clarification: only certain claims were amended while others were not.

**Independent Claims 32-34**

The Examiner has rejected claims 32-34 under 35 U.S.C. § 103 as allegedly being obvious over Kaaresoja and Ronkainen and further in view of U.S. Patent No. 6,028,531 to Wanderlich ("Wanderlich"). In the Advisory Action, the Examiner alleges:

Fukuhara recognizes that the existing e-mail, BBS, and chat session at the time of writing has limitations for sharing wet information (see Page 2). Fukuhara, thereafter, propose a haptic communication system that enables to share tactile information over the network (see Page 2). Fukuhara is proposing haptic communication system that adds to existing electronic communication systems. ***The Examiner maintains that adding haptic effect to chat session is obvious since Fukuhara recognized the chat session without haptic effect has limitations for sharing wet information.***

See *Advisory Action*. However, the opposite is true. Fukuhara describes that "[a]lthough [a haptic communication system] facilitates a user to share non-verbal wet information, ***it is difficult to understand the meaning of the touch. Much tacit knowledge is required for understanding the meaning of touch. We think verbal communication is also needed to share wet information in a group.***" Fukuhara at page 2. Therefore, Fukuhara does not recognize that chat sessions without haptic effects have limitations for sharing wet information as alleged by the Examiner. Instead, Fukuhara suggests that touch has limitations.

Nonetheless, solely in an effect to expedite prosecution of this application, the claims have been amended to recite the "output signal and the signal are communicated **during a non-verbal chat session** between the first handheld communication device and the second handheld communication device." Fukuhara does not teach or suggest at least this feature of the claims as amended. The remaining references relied upon by the Examiner fail to cure at least this deficiency of Fukuhara. As such, the rejection of claims 32-34 as amended are improper and must be withdrawn.

**Independent Claims 1, 10, 26**

The Examiner has rejected claims 1, 3-5, 10, 12, 13, 26 and 28-31 under 35 U.S.C. § 102(e) as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a) allegedly obvious over, U.S. Patent Application Publication No. 2002/0177471 by Kaaresoja *et al.* ("Kaaresoja"), evidenced or in view of U.S. Patent No. 6,850,150 to Ronkainen ("Ronkainen"). The Examiner has rejected claims 35-37 under 35 U.S.C. § 103 as allegedly being unpatentable over Kaaresoja and Ronkainen and further in view of U.S. Patent Application Publication No. 2003/0236729 by Epstein *et al.* ("Epstein") and in view of U.S. Patent Application Publication No. 2002/0107936 by Amon ("Amon"). The Examiner has rejected claims 38-42 under 35 U.S.C. § 103(a) as allegedly being obvious over Kaaresoja and Ronkainen and further in view of Fukuhara *et al.*, "Voice Café: Conversation Support System" ("Fukuhara").

Applicants note that claims 38 and 41-42 are cancelled, rendering the rejection of these claims moot. Applicants traverse the rejection of the remaining pending claims because the references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach or suggest each and every feature of the claimed invention. Nonetheless, solely to expedite prosecution of this application, Applicants have amended the claims to clarify various features of the claimed invention. The references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach or suggest all the features of the claims as amended.

In particular, claims 1, 10, and 26 have been amended to recite features similar to claim 32. As such, for at least the reasons set forth above with regard to claim 32, the rejection of these independent claims as amended and the remaining dependent claims that depend therefrom are improper and must be withdrawn.

**New Claim 43**

Claim 43 is newly added. The references relied upon by the Examiner, either alone or in combination with one another, fail to disclose, teach, or suggest all the features of claim 43. As such, claim 43 is allowable over the references relied upon by the Examiner.

## **CONCLUSION**


Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the Application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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